

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE NEW YORK STATE RIFLE & PISTOL
ASSOCIATION, ROMOLO COLANTONE, EFRAIN
ALVAREZ, and JOSE ANTHONY IRIZARRY,

Plaintiffs,

-against-

THE CITY OF NEW YORK, THE NEW YORK CITY
POLICE DEPARTMENT LICENSE DIVISION,

Defendants.

**DEFENDANTS’
RESPONSES AND
OBJECTIONS TO
PLAINTIFFS’
STATEMENT
PURSUANT TO
LOCAL RULE 56.1**

13 CV 2115 (RWS)
ECF Case

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Pursuant to Rule 56.1 of the Local Civil Rules of the United States District Court for the Southern District of New York, defendants the City of New York and the New York City Police Department License Division, submit the following responses to plaintiffs’ Statement of Material Facts in Support of Plaintiffs’ Cross-Motion for Summary Judgment, dated July 15, 2014 (Plaintiffs’ Rule 56.1 Statement):

GENERAL STATEMENTS AND OBJECTIONS

Defendants’ responses to Plaintiffs’ Rule 56.1 Statement are provided herein. However, such disputed allegations do not raise any triable issue of fact that would require a denial of defendants’ cross-motion for summary judgment. Any statements that are not disputed are not disputed solely for purposes of this motion.

Defendants respond to each of the paragraphs utilizing the numbering scheme set forth in Plaintiffs’ Rule 56.1 Statement.

1. Defendant does not dispute the statements set forth in paragraph “1.”
2. Defendant does not dispute the statements set forth in paragraph “2.”

3. Defendants dispute the statements set forth in paragraph “3” to the extent that New York State does not issue Premises Residence licenses. The State of New York has a license set forth in Penal Law § 400.00(2)(a) and New York City issues Premises Residence licenses as set forth in 38 RCNY §§ 5-01; 5-23(a).

4. Defendants do not dispute the statements set forth in paragraph “4.”

5. Defendants do not dispute the statements set forth in paragraph “5.”

6. Defendants do not dispute the statements set forth in paragraph “6.”

7. Defendants do not dispute the statements set forth in paragraph “7.”

8. Defendants do not dispute the statements set forth in paragraph “8.”

9. Defendants do not dispute the statements set forth in paragraph “9.”

10. Defendants dispute the statements set forth in paragraph “10” insofar as the evidence relied upon by plaintiffs does not support the statements set forth therein.

11. Defendants dispute the statements set forth in paragraph “11” insofar as they mischaracterize the evidence cited in support; defendants nevertheless asserts that such a dispute is not material.

12. Defendants do not dispute the statements set forth in paragraph “12.”

13. Defendants dispute the statements set forth in paragraph “13” insofar as the evidence relied upon by plaintiffs does not support the statements set forth therein and notes that the cited affidavit was signed well over one year ago so there is no support that the assertions remain as such today.

14. Defendants do not dispute the statements set forth in paragraph “14.”

15. Defendants do not dispute the statements set forth in paragraph “15.”

16. Defendants do not dispute the statements set forth in paragraph “16.”

17. Defendants do not dispute the statements set forth in paragraph “17.”

18. Defendants do not dispute the statements set forth in paragraph "18."

19. Defendants do not dispute the statements set forth in paragraph "19."

20. Defendants dispute the statements set forth in paragraph "20" insofar as the evidence relied upon by plaintiffs does not support the statements set forth therein.

21. Defendants dispute the statements set forth in paragraph "21" insofar as they mischaracterize the evidence cited in support; defendants nevertheless asserts that such a dispute is not material.

22. Defendants do not dispute the statements set forth in paragraph "22."

23. Defendants dispute the statements set forth in paragraph "23" insofar as the evidence relied upon by plaintiffs does not support the statements set forth therein and notes that the cited affidavit was signed well over one year ago so there is no support that the assertions remain as such today.

24. Defendants dispute the statements set forth in paragraph "24" insofar as the evidence relied upon by plaintiffs does not support the statements set forth therein and notes that the cited affidavit was signed well over one year ago so there is no support that the assertions remain as such today.

Dated: New York, New York
August 15, 2014

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By: Michelle Goldberg-Cahn
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